

By: Ellis

S.B. No. 754

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of a privacy policy by a person who requires the disclosure of an individual's social security number.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.581 to read as follows:

Sec. 35.581. PRIVACY POLICY NECESSARY TO REQUIRE DISCLOSURE OF SOCIAL SECURITY NUMBER. (a) A person may not require an individual to disclose the individual's social security number to obtain goods or services from or enter into a business transaction with the person, unless the person:

(1) adopts a privacy policy;

(2) provides the privacy policy to the individual as required by Subsection (b); and

(3) maintains under the privacy policy the confidentiality and security of a social security number disclosed to the person.

(b) A person shall provide the person's privacy policy to an individual whose social security number the person requires, by:

(1) reciting the policy to the individual at the time the individual is required to disclose the individual's social security number; or

(2) mailing the policy to the individual as soon as practicable after the individual is required to disclose the

1 individual's social security number.

2 (c) If a person recites a privacy policy to an individual
3 under Subsection (b), the person shall deliver a written copy of the
4 policy to the individual within a reasonable time after the
5 individual's social security number is disclosed. The written copy
6 of the privacy policy may be delivered by mail or electronically.

7 SECTION 2. This Act takes effect September 1, 2005.